THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.24692 of 2005

Dated 21-11-2005

Between:

Smt.Leelavathi, W/o.Heeralal Ghaloth.

.. **PETITIONER**

AND

The Director of School Education and another.

.. RESPONDENTS

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ORDER:

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The petitioner was employed as a sweeper in the second respondent school. She was retired from service on attaining the age of superannuation through order dated 03-02-2005 with effect from 04-02-2005. According to the petitioner, her date of birth was not properly entered in the service records and that as per the opinion rendered by a medical authority, she is just 54 years old. The petitioner preferred an appeal before the first respondent under Section 89 of the A.P.Education Act (for short "the Act") against the order dated 03-02-2005 passed by the second respondent. The appeal was rejected through order dated 09-09-2005. The same is challenged in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for School Education.

It is not in dispute that the second respondent is a private educational institution, not admitted to be grant-in-aid. Basically the provision of appeal under Section 89 of the Act relates to the orders passed by the authorities such as District Educational Officer, Regional Joint Director etc. The order of appeal was passed by the Management of a private Educational Institution. Therefore, the appeal was totally misconceived. At any rate, the 1st respondent has no jurisdiction over the private un-aided institutions in the matter of retirement of any employees etc. It is purely in the realm of the management of the private institutions whether or not to continue an employee. At any rate, the claim of the petitioner is not based on any valid record and that she has come forward with this plea at the fag end of the appeal. Therefore, this court cannot grant any relief to the petitioner.

The writ petition is accordingly dismissed. No order as to costs.

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L.NARASIMHA REDDY, J

Date: 21-11-2005

Prv